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Docket No.: 203384US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
Shunji NATSUKA et al. : GROUP ART UNIT: 1644  
SERIAL NO: 09/784,077 : EXAMINER: P. NOLAN  
FILED: FEBRUARY 16, 2001 :

FOR: MURINE ALPHA (1,3) FUCOSYLTRANSFERASE FUC-TVII, DNA ENCODING  
THE SAME, METHOD FOR PREPARING THE SAME, ANTIBODIES  
RECOGNIZING THE SAME, IMMUNOASSAYS FOR DETECTING THE SAME,  
PLASMIDS CONTAINING SUCH DNA, AND CELLS CONTAINING SUCH A  
PLASMID

DECLARATION UNDER 37 C.F.R. §1.131

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Now comes Shunji Natsuka, Kevin M. Gersten, and John B. Lowe who depose and  
state that:

1. We are the inventors of the subject matter claimed in the above-identified  
application.
2. Claim 17 of the above-identified application is directed to an isolated sequence of  
DNA which encodes a polypeptide having an amino acid sequence which comprises an  
amino acid subsequence, said amino acid subsequence being selected from the group  
consisting of:

(a) the amino acid sequence encoded by the DNA sequence corresponding to from  
position 996 to 1149 and 2067 to 3079 of SEQ ID NO: 1; and

(b) the amino acid sequence encoded by the DNA sequence corresponding to from position 1947 to 1959 and 2067 to 3079 of SEQ ID NO: 1.

3. Claim 20 of the above-identified application is directed to a plasmid, comprising a sequence of DNA which encodes a polypeptide having an amino acid sequence which comprises an amino acid subsequence, said amino acid subsequence being selected from the group consisting of:

(a) the amino acid sequence encoded by the DNA sequence corresponding to from position 996 to 1149 and 2067 to 3079 of SEQ ID NO: 1; and

(b) the amino acid sequence encoded by the DNA sequence corresponding to from position 1947 to 1959 and 2067 to 3079 of SEQ ID NO: 1.

4. Claim 23 of the above-identified application is directed to a transformed cell, which comprises a plasmid comprising a sequence of DNA which encodes a polypeptide having an amino acid sequence which comprises an amino acid subsequence, said amino acid subsequence being selected from the group consisting of:

(a) the amino acid sequence encoded by the DNA sequence corresponding to from position 996 to 1149 and 2067 to 3079 of SEQ ID NO: 1; and

(b) the amino acid sequence encoded by the DNA sequence corresponding to from position 1947 to 1959 and 2067 to 3079 of SEQ ID NO: 1.

5. Claim 26 of the above-identified application is directed to a method for producing a polypeptide, comprising culturing a transformed cell, which comprises a plasmid comprising a sequence of DNA which encodes a polypeptide having an amino acid sequence which comprises an amino acid subsequence, said amino acid subsequence being selected from the group consisting of:

(a) the amino acid sequence encoded by the DNA sequence corresponding to from position 996 to 1149 and 2067 to 3079 of SEQ ID NO: 1; and

(b) the amino acid sequence encoded by the DNA sequence corresponding to from position 1947 to 1959 and 2067 to 3079 of SEQ ID NO: 1.

6. The DNA sequence shown in SEQ ID NO: 1 of the above-identified application was cloned, sequenced, and expressed under our supervision and control, prior to June 7, 1995.

7. Exhibit 1 attached hereto is a copy of the first (page 63) and the last page (page 73) of a notebook of Dr. Robert Kelly, a laboratory technician who worked under our supervision and control, which describe the cloning of the DNA sequence shown in SEQ ID NO: 1 of the above-identified application.

8. Exhibit 2 attached hereto is a computer printout prepared by Dr. Kelly which is a final compilation of the DNA sequence.

9. The DNA sequence shown in Exhibit 2 contains

(A) the DNA sequence corresponding to from position 996 to 1149 and 2067 to 3079 of SEQ ID NO: 1 of the present application, and

(B) the DNA sequence corresponding to from position 1947 to 1959 and 2067 to 3079 of SEQ ID NO: 1 of the above-identified application.

10. Exhibit 3 attached hereto is a copy of pages 63-67 from a notebook of Dr. Kelly. The experiments described therein demonstrate that a cDNA containing the sequence shown in SEQ ID NO: 1 of the above-identified application expressed the polypeptide encoded by the cDNA.

11. The dates on the pages attached as Exhibits 1-3 have been redacted. Based on our first-hand knowledge of the experiments described in those Exhibits, we confirm that the experiments were completed prior to June 7, 1995.

12. Based on our first-hand knowledge of the experiments described in Exhibits 1-3, we confirm that those experiments were conducted in the United States.

13. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

14. Further deponent saith not.

\_\_\_\_\_  
Shunji Natsuka

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kevin M. Gersten

9/10/02  
\_\_\_\_\_  
Date

\_\_\_\_\_  
John B. Lowe

\_\_\_\_\_  
Date